

**SUPREME COURT MINUTES
THURSDAY, DECEMBER 3, 1998
SAN FRANCISCO, CALIFORNIA**

S073756 In re Attorney Discipline System;
Requests of the Governor and the
State Bar of California

The rule that we adopt today, and our concurrent appointment of a special master to oversee the collection and disbursement of funds pursuant to that rule, are actions designed to preserve the status quo pending the enactment and effective date of legislation providing for an attorney discipline system capable of providing meaningful public protection. California has had ample reason during the past 10 years to take pride in an attorney discipline system that has been recognized as one of our nation's finest. We anticipate that in the near future, it will again return to normal operation with appropriate funding as determined by the Legislature and the Governor. Until that occurs, we shall shoulder our responsibility to ensure continuity in attorney discipline in order to best serve the people of our state.

George, C.J.

We Concur:

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S073756 In re Attorney Discipline System;
Requests of the Governor and the
State Bar of California

Rule 963 of the California Rules of Court, regarding an interim special regulatory fee for attorney discipline, is hereby adopted, to become effective immediately, as set forth in the attachment hereto.

Pursuant to this court's inherent authority over attorney discipline and rule 963(c), retired Justice Elwood Lui is hereby appointed as special master to supervise and oversee the collection, disbursement,

and allocation of fees mandated by rule 963. The special master shall ensure that funds collected pursuant to rule 963 are used exclusively for the purpose of maintaining and operating an attorney disciplinary system. It is contemplated that these funds will be used to support the State Bar's Office of Chief Trial Counsel, the State Bar Court, the bar's fee arbitration program, the bar's competence functions including the promulgation of rules of professional conduct and the ethics hotline, the bar's membership records office, and the Office of General Counsel as necessary to support the State Bar's disciplinary functions. The special master may evaluate these components of the bar's disciplinary function and related expenditures, and recommend to the court that funds generated by rule 963 be allocated among these or other components in a particular manner.

Fees collected pursuant to rule 963 shall be segregated from all other fees and revenue collected by the State Bar, and deposited into a separate account or accounts at a financial institution as determined by the special master and approved by this court. The special master shall manage the funds generated pursuant to rule 963, before their disbursement, as he deems appropriate. The special master and the Clerk/Administrator of the California Supreme Court each shall have authority to make disbursements from such account(s) for the limited purposes described herein. In managing and disbursing these funds, the special master shall act as an agent of this court. The special master shall be paid the fees and expenses incurred in performing the duties described herein only upon the prior order of this court.

The special master may request that the bar provide him with information and reports as necessary, and may require audits of the bar's expenditures related to its disciplinary functions. The special master shall report to the court regularly, and no less frequently than every three months, on collections and disbursements made pursuant to rule 963. He at any time may request further guidance from or make recommendations to the court as he determines is appropriate.

This order is final forthwith.

**Rule 963. Interim Special Regulatory Fee
for Attorney Discipline.**

(a) This rule is adopted by the Supreme Court solely as an emergency interim measure to protect the public, the courts, and the legal profession from the harm caused by the absence of an

adequately functioning attorney disciplinary system. The Supreme Court contemplates that the rule may be modified or repealed once legislation designed to fund an adequate attorney disciplinary system is enacted and becomes effective.

(b) Each active member shall pay a mandatory regulatory fee of one hundred seventy-three dollars (\$173) to the Special Master's Attorney Discipline Fund, to be established by a special master appointed pursuant to subdivision (c). This \$173 assessment is in addition to the mandatory fees currently authorized by statute.

Payment of this fee is due by February 1, 1999. Late payment or nonpayment of the fee shall subject a member to the same penalties and/or sanctions applicable to mandatory fees authorized by statute.

(c) All money collected pursuant to this rule shall be deposited into the Special Master's Attorney Discipline Fund, and shall be used exclusively for the purpose of maintaining and operating an attorney disciplinary system, including payment of the reasonable fees, costs and expenses of a special master as ordered by the Supreme Court.

A special master appointed by the Supreme Court shall disburse and allocate funds from the Special Master's Attorney Discipline Fund for the limited purpose of supporting an attorney discipline system. The special master shall exercise authority pursuant to the charge of the Supreme Court and shall submit quarterly reports and recommendations to the Supreme Court regarding the use of these funds.

Should any funds collected pursuant to this rule not be used for the limited purpose set forth in the rule, the Supreme Court may order the refund of an appropriate amount to members or take any other action that it deems appropriate.

S062258 In re Sirhan Bishara Sirhan
 on
 Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 21, 1998.

S068192 In re Tameka C., a Person Coming Under the Juvenile Court Law

People, Respondent

v.

Tameka C., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief on the merits is extended to and including December 9, 1998.

No further extensions of time are contemplated.

S069901 In re Mark Delaplane

on

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 21, 1998.

S070028 People, Respondent

v.

Andrew James Allen, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief on the merits is extended to and including December 2, 1998.

S070377 Glenn Barner, Appellant

v.

Julie Leeds, Respondent

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including December 16, 1998.

S071500 Thomas A. Bockrath, Appellant

v.

Aldrich Chemical Company et al., Respondents

On application of respondent ICI Composites, Inc., and good cause appearing, it is ordered that the time to serve and file respondent's answer brief on the merits is extended to and including January 12, 1999.

S072133 Daily Journal Corporation, Respondent

v.

Orang County Superior Court, Respondent

Merrill Lynch & Co., Inc. et al., Appellants

On application of appellants Merrill Lynch & Co., Inc. et al. and good cause appearing, it is ordered that the time to serve and file appellants' reply brief on the merits is extended to and including December 21, 1998.

S072196 In the Matter of the Suspension of Attorneys

Pursuant to Rule 962 California Rules of Court

Having been provided proof of compliance pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the suspension of **Glenn Alan Thompson**, pursuant to our order filed on July 28, 1998, is hereby terminated.

This order is final forthwith.